

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHAEL CALDWELL, #494871,

Plaintiff,

File no: 1:09-CV-1093

v.

HON. ROBERT HOLMES BELL

PATRICIA CARUSO, et al.,

Defendants.

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**ORDER APPROVING MAGISTRATE'S  
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate in this action. The Report and Recommendation was duly served on the parties. No objections have been filed.

ACCORDINGLY, the Report and Recommendation (docket #44) is hereby adopted and approved as the opinion of the Court.

THEREFORE, IT IS ORDERED that the motion for summary judgment filed by defendants Caruso, Nunez, Bunce, Johnson, and Andres (docket #26) is hereby **GRANTED** and all claims against these defendants are **DISMISSED** without prejudice.

IT IS FURTHER ORDERED that Plaintiff shall show cause in writing by **August 12, 2010**, as to why his claims against defendant Holmes should not be dismissed without prejudice under 42 U.S.C. §1997e(a).

Dated: July 7, 2010

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
UNITED STATES DISTRICT JUDGE